

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 68

Introduced by Raikes, 25

Read first time January 9, 2003

Committee: Education

A BILL

1 FOR AN ACT relating to the University of Nebraska; to amend
2 sections 85-105, 85-108, 85-112, 85-118, 85-131, 85-132,
3 85-194, and 85-1,119, Reissue Revised Statutes of
4 Nebraska; to change and eliminate provisions relating to
5 and to provide for governance; to eliminate provisions
6 relating to University Hospital and the College of
7 Medicine; to repeal the original sections; and to
8 outright repeal sections 85-110, 85-112.01, 85-112.02,
9 85-113, 85-139, 85-172, 85-178, 85-184, 85-185, 85-190,
10 85-1,118, 85-1,120, 85-1,121, and 85-1,124, Reissue
11 Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 85-105, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 85-105. The Board of Regents shall have full power to
4 appoint its own presiding officer and secretary. It shall
5 constitute a body corporate, to be known as the Board of Regents of
6 the University of Nebraska, and as such may sue and be sued and may
7 make and use a common seal and alter the same at pleasure. It may
8 acquire real and personal property for the use of the university
9 and may dispose of the same whenever the university can be
10 benefited thereby, except that it shall never dispose of grounds
11 upon which a building of the university having a market value in
12 excess of ~~five hundred thousand~~ one million dollars is located
13 without the consent of the Legislature.

14 Sec. 2. (1) The chief executive officer of the
15 University of Nebraska shall be appointed by the Board of Regents,
16 hold office at the pleasure of the board, and receive such
17 compensation as the board may prescribe.

18 (2) The University of Nebraska-Lincoln, the University of
19 Nebraska at Omaha, the University of Nebraska at Kearney, the
20 University of Nebraska Medical Center, and any other postsecondary
21 educational institution designated by the Legislature to be a part
22 of the University of Nebraska shall be governed by the Board of
23 Regents, and each shall be managed and administered in the manner
24 prescribed by the board. The chief administrative officer of each
25 such postsecondary educational institution shall be appointed, hold
26 office, and be compensated as prescribed by the Board of Regents.

27 Sec. 3. Section 85-108, Reissue Revised Statutes of
28 Nebraska, is amended to read:

1 85-108. The immediate government of each college shall
2 be by its own faculty, which shall consist of the professors
3 therein, but no ~~course of study~~ program of instruction shall be
4 adopted ~~or series of textbooks used~~ without the approval of the
5 program in the manner prescribed by the Board of Regents.

6 Sec. 4. Section 85-112, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 85-112. Students seeking admission to any ~~college of the~~
9 University of Nebraska postsecondary educational institution
10 governed by the Board of Regents or to any college or school of any
11 such institution shall, precedent to admission, complete such
12 requirements as may be prescribed or authorized by the Board of
13 Regents. ~~and no applicant who shall fail to pass an examination~~
14 ~~in any part of such requirements shall be admitted. Applicants~~
15 ~~completing requirements in schools accredited by the university may~~
16 ~~be admitted without examination. Applicants for advanced standing~~
17 ~~may be admitted under rules prescribed in the discretion of the~~
18 ~~board.~~

19 Sec. 5. Section 85-118, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 85-118. No superstructural work upon any building for
22 the university shall be commenced until the designs and plans
23 therefor shall have been ~~submitted to and adopted~~ approved in the
24 manner prescribed by the Board of Regents.

25 Sec. 6. Section 85-131, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 85-131. Disbursements from the university funds shall be
28 made by the State Treasurer upon warrants drawn by the Director of

1 Administrative Services, who shall issue warrants upon certificates
2 issued as authorized by the Board of Regents. ~~, signed by the~~
3 ~~secretary and president.~~

4 Sec. 7. Section 85-132, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 85-132. The Board of Regents ~~of the state university~~ may
7 accept gifts and bequests of property subject to a reservation of
8 the income for a stated period or for the life of the donor or the
9 life or lives of other persons designated. ~~It may also accept as a~~
10 ~~gift the purchase money of property condemned by the state~~
11 ~~university, under the power of eminent domain, subject to the~~
12 ~~condition that the rents of the property shall be reserved to the~~
13 ~~donors of the property for a stated period.~~

14 Sec. 8. Section 85-194, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 85-194. Chapter 85, articles 1, 4, and 5, relating to
17 the Board of Regents and the University of Nebraska shall be
18 applicable to the University of Nebraska at Omaha except as
19 modified or limited by ~~sections 85-184, 85-185, 85-190, and section~~
20 ~~85-192.~~

21 Sec. 9. Section 85-1,119, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 85-1,119. (1) On July 1, 1991, all property rights,
24 titles, assets, contracts, obligations, and choses in action of any
25 kind existing as of June 30, 1991, owned, held, or controlled by
26 Kearney State College or the Board of Trustees of the Nebraska
27 State Colleges for the benefit of Kearney State College shall be
28 transferred to, assumed by, and carried out by the Board of Regents

1 of the University of Nebraska for the operation and benefit of the
2 University of Nebraska at Kearney subject, however, to the
3 following:

4 (a)(i) Title to (A) facilities on the campus of Kearney
5 State College and all or any portion of the revenue derived from
6 such facilities which have been pledged to the payment of the
7 principal of and interest on revenue bonds of the board of trustees
8 or (B) facilities on the campus of Kearney State College which have
9 been constructed, repaired, or renovated with the proceeds of
10 revenue bonds payable from student fees shall remain vested in the
11 board of trustees until the bonds outstanding with respect to such
12 facilities have been discharged. Upon the discharge of the bonds
13 outstanding with respect to any such facility, title to such
14 facility shall be transferred to and vested in the Board of Regents
15 without any further or additional action by the board of trustees
16 or the Board of Regents.

17 (ii) All facilities specified in subdivision (a)(i) of
18 this subsection shall be leased by the board of trustees to the
19 Board of Regents as of July 1, 1991, upon such terms and conditions
20 as the board of trustees and the Board of Regents shall determine,
21 except that (A) payments from the Board of Regents to the board of
22 trustees pursuant to such leases shall be sufficient to pay the
23 principal of and interest on the bonds outstanding with respect to
24 such facilities and shall include a reasonable fee set by and paid
25 to the board of trustees to cover actual and necessary expenses
26 incurred by the board of trustees for managing the bond program of
27 the University of Nebraska at Kearney until all bonds which are
28 outstanding as of July 1, 1991, and which were issued with respect

1 to the leased facilities have matured and are retired, (B) the
2 Board of Regents shall have the right to establish rents, charges,
3 rates, and fees for the use of such facilities and to receive and
4 collect all revenue, rents, fees, income, profits, and charges of
5 whatever nature and howsoever derived from such facility, and (C)
6 the Board of Regents shall keep, perform, satisfy, and comply with
7 all terms, covenants, conditions, and agreements contained in the
8 documents relating to the issuance of the bonds outstanding with
9 respect to each such facility;

10 (b) The obligations for the payment of money of the board
11 of trustees incurred pursuant to Laws 1983, LB 410, Laws 1987, LB
12 218, and Laws 1987, LB 784, shall remain the obligations of the
13 board of trustees. All other obligations of the board of trustees
14 incurred pursuant to such laws shall, upon July 1, 1991, be and
15 become obligations of the Board of Regents. Unless title to the
16 property acquired and the facilities constructed, repaired,
17 remodeled, or renovated pursuant to such laws is required to remain
18 vested with the board of trustees pursuant to subdivision (a)(i) of
19 this subsection, title to such property and facilities shall vest
20 in the Board of Regents on July 1, 1991; and

21 (c) Prior to July 1, 1991, the board of trustees and the
22 Board of Regents shall enter into such agreements as they deem
23 necessary and appropriate to carry out the provisions of sections
24 ~~85-1,118~~ 85-1,119 to 85-1,123 for the conveyance and transfer of
25 the properties, rights, and obligations provided under such
26 sections, to make appropriate provisions with respect to existing
27 debt obligations, including revenue bonds, of the board of
28 trustees and the Nebraska State Colleges Facilities Corporation

1 pertaining to Kearney State College, and to provide for an orderly
2 transition and assumption by the Board of Regents of the activities
3 and operations of Kearney State College. The board of trustees,
4 acting as a corporation for the revenue bond program for Kearney
5 State College or the Nebraska State College Facilities Corporation,
6 and its officers and staff shall be reimbursed for any expenses
7 incurred in carrying out any action modifying the revenue bond
8 program pursuant to sections ~~85-1,118~~ 85-1,119 to 85-1,123.

9 (2) (a) On July 1, 1991, all employees of Kearney State
10 College shall be transferred to the University of Nebraska. The
11 transferred employees shall retain all benefits and status of
12 employment accrued through June 30, 1991, including retirement
13 benefits not vested.

14 (b) On July 1, 1991, the transferred employees, except
15 academic, faculty, and teaching employees who are included in a
16 collective-bargaining unit and represented by a certified
17 collective-bargaining agent, shall cease participation in the
18 employee fringe benefit programs of Kearney State College and shall
19 begin participation in the University of Nebraska systemwide fringe
20 benefits program and be entitled to receive the same fringe
21 benefits of employment made available to other employees of the
22 University of Nebraska under such program.

23 (c) On July 1, 1990, the Board of Regents of the
24 University of Nebraska shall have authority to enter into a
25 collective-bargaining agreement with any certified
26 collective-bargaining agent for academic, faculty, and teaching
27 employees of Kearney State College who are represented by a
28 certified collective-bargaining agent covering any period beginning

1 on or after July 1, 1991. The Board of Regents shall bargain and
2 negotiate in good faith with any such bargaining agent pursuant to
3 the State Employees Collective Bargaining Act. On July 1, 1991,
4 all academic, faculty, and teaching employees of the University of
5 Nebraska at Kearney shall cease participation in the retirement
6 program of Kearney State College and shall begin participation in
7 the systemwide retirement program of the University of Nebraska on
8 the same basis as other academic, faculty, and teaching employees
9 of the University of Nebraska.

10 Sec. 10. Original sections 85-105, 85-108, 85-112,
11 85-118, 85-131, 85-132, 85-194, and 85-1,119, Reissue Revised
12 Statutes of Nebraska, are repealed.

13 Sec. 11. The following sections are outright repealed:
14 Sections 85-110, 85-112.01, 85-112.02, 85-113, 85-139, 85-172,
15 85-178, 85-184, 85-185, 85-190, 85-1,118, 85-1,120, 85-1,121, and
16 85-1,124, Reissue Revised Statutes of Nebraska.